

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ALEXANDER PAEZ,**

**Plaintiff,**

**v.**

**CHILDREN’S HEALTH SYSTEM OF  
TEXAS,**

**Defendant.**

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**Civil Action No. 3:23-cv-2243-E**

**DEFENDANT’S DESIGNATION OF EXPERT WITNESSES**

Pursuant to the Court’s Scheduling Order issued December 27, 2023 (Dkt. 10), Defendant Children’s Health System of Texas (“Defendant”) files its Designation of Expert Witnesses, and in support thereof shows as follows:

**Designation of Expert Witnesses**

Defendant identifies the following witnesses who may be called as expert witnesses at trial:

- (1) Jamie Ashton  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
8117 Preston Road, Suite 500  
Dallas, TX 75225  
(214) 987-3800

Ms. Ashton will testify, if necessary, as to Plaintiff’s and/or Defendant’s reasonable and necessary attorneys’ fees. Specifically, Ms. Ashton will testify in rebuttal to any testimony or evidence Plaintiff may offer on the subject of his attorneys’ fees.

Additionally, in the event Defendant pursues an award of attorneys’ fees, costs, or expenses in this matter, Ms. Ashton will testify concerning, among other things, the hourly rates of the professionals working on this case; the hours expended by each such professional; the fees, expenses, and costs that were or will be incurred by Defendant; and the customary and usual nature,

reasonableness, and necessity of the fees, costs, and expenses that were or will be incurred by Defendant in this matter, including, if applicable, the appeal of the captioned case.

The testimony of Ms. Ashton will be based on, among other things, the time and labor required; the novelty and difficulty of the questions involved; the skill required to perform the legal services properly; the time limitations imposed by the client or circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the lawyer or lawyers performing the services; and all other matters relevant to an award of attorneys' fees, costs, and expenses. The professional profile of Ms. Ashton is available on her firm's website at the following link: <https://ogletree.com/people/jamie-brod-ashton/>

(2) Bryant S. McFall  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
8117 Preston Road, Suite 500  
Dallas, TX 75225  
(214) 987-3800  
(214) 987-3927 (Facsimile)

Mr. McFall will testify, if necessary, as to Plaintiff's and/or Defendant's reasonable and necessary attorneys' fees. Specifically, Mr. McFall will testify in rebuttal to any testimony or evidence Plaintiff may offer on the subject of his attorneys' fees.

Additionally, in the event Defendant pursues an award of attorneys' fees, costs, or expenses in this matter, Mr. McFall will testify concerning, among other things, the hourly rates of the professionals working on this case; the hours expended by each such professional; the fees, expenses, and costs that were or will be incurred by Defendant; and the customary and usual nature, reasonableness, and necessity of the fees, costs, and expenses that were or will be incurred by Defendant in this matter, including, if applicable, the appeal of the captioned case.

The testimony of Mr. McFall will be based on, among other things, the time and labor required; the novelty and difficulty of the questions involved; the skill required to perform the legal services properly; the time limitations imposed by the client or circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the lawyer or lawyers performing the services; and all other matters relevant to an award of attorneys' fees, costs, and expenses. The professional profile of Mr. McFall is available on his firm's website at the following link: <https://ogletree.com/people/bryant-s-mcfall/>

**Cross Designation of Expert Witness(es)**

Defendant reserves the right to elicit, by cross-examination, opinion testimony from experts designated and called by Plaintiff, if any<sup>1</sup>. Defendant expresses its intention to possibly call, as witnesses associated with Defendant, the individuals identified or designated by Plaintiff as experts, if any.

**Rebuttal and Other Expert Witness(es)**

Defendant reserves the right to call undesignated rebuttal expert witnesses whose testimony cannot reasonably be foreseen until the presentation of Plaintiff's claims and evidence.

**Right to Withdraw Designation of Expert**

Defendant reserves the right to withdraw the designation of any expert witness previously designated as such and to re-designate the same as a consulting expert who cannot be called by Plaintiff.

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<sup>1</sup> Per the Scheduling Order entered in this case (Dkt. 10), Plaintiff was required to file his expert designation(s) on or before June 14, 2024. He did not do so.

**Right to Elicit Opinion or Lay Opinion Testimony**

Defendant reserves the right to elicit any expert opinion or lay opinion testimony from any witness, fact or expert, at the time of trial which would be truthful, beneficial to the Court to determine material issues of fact, and would not violate any existing order of the Court or any applicable Federal Rule of Civil Procedure.

**Reservation of Additional Rights**

Defendant reserves whatever additional rights it may have with regard to expert witnesses pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law construing same, and the rulings of the Court.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

By: /s/ Jamie Ashton

JAMIE ASHTON

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This is to certify that on this 15<sup>th</sup> day of July, 2024, a true and correct copy of the above was filed with the Clerk of the Court using the CM/ECF system, which will send notification to the parties' counsel of record.

/s/ Molly Ann Lawrence

MOLLY ANN LAWRENCE